

TOWN OF BUCKEYE
REGULAR COUNCIL MEETING MINUTES

JULY 18, 2006

Town Council Chambers
100 North Apache Street, Suite A
Buckeye, Arizona
7:00 p.m.

1. Call to Order/Pledge of Allegiance/Roll Call.

Mayor Bryant called the meeting to order at 7:01 p.m. and lead the pledge of allegiance.

Member Present: Councilman Hardesty, Vice Mayor Beard, Mayor Bryant,
Councilman Doster, Councilwoman May, and Councilman Rioux.

Members Absent: Councilman Garza

Departments Present: Town Manager Carroll Reynolds, Town Attorney Scott Ruby, Town Clerk Linda Garrison, Police Chief Dan Saban, Fire Chief Scott Rounds, Assistant Fire Chief Bob Costello, Human Resource Director Toni Brown, Finance Director Doug Allen, Acting Community Services Director Cheryl Sedig, Community Development Director Bob Bushfield, Management Assistant Sarah Blank and Public Works Director Scott Lowe.

2. Comments from the Public

Jim Harkin, Director of the Buckeye Main Street Coalition reported that the Raney house will be moved Saturday to the northwest corner of Monroe and 6th Street.

Consent Agenda Items

Approval of items of the Consent Agenda – All items with an (*) are considered to be routine matters and will be enacted by one motion and vote of the Council unless a Councilmember requests.

Council requested Items *5A, *5G, *5H, *5I, *5J, *5Q be pulled from the consent agenda.

***5A. TUTHILL RD. AND VAN BUREN STREET RIGHT-OF-WAY ABANDONMENT AB06-05**

Woody Scoutten, Town Engineer, presented information regarding this right of way. He indicated that abandonment is in the area of the Blue Horizons subdivision. Moved by Councilman Rioux, seconded by Councilman Hardesty to adopt Resolution 29-06 approving the abandonment of Right-of-Way (ROW) for the east half of Tuthill Road and one-half mile south of Van Buren Street alignment and abandonment of existing Right-of-Way for the south half of Van Buren Street between Tuthill Road alignment and Jackrabbit Trail, Maricopa County, Arizona. The motion passed unanimously.

***5F. VERRADO PARCEL 2.102 FP06-22**

Councilman Rioux was concerned about safety issues for police in this Final Plat. Moved by Councilman Doster, seconded by Councilwoman May to table this item until any public safety issued could be addressed on the Final Plat for Parcel 2.102 consisting of 56 single family lots and 9 tracts on approximately 13.38 acres, generally located on the southeast corner of Acacia Way and Thomas Road within the Verrado Master Planned Community, Planning Unit III. Vice Mayor Beard, Councilman Hardesty, and Councilman Rioux voting “No”, Mayor Bryant, Councilwoman May, and Councilman Doster voting “Aye”. Councilman Garza was absent. The motion failed.

***5G. VERRADO PARCEL 2.101 FP06-12**

Applicant was not prepared to present this item to Council. No action was taken a Final Plat for Parcel 2.101 consisting of 46 single-family lots and 5 tracts on approximately 8.68 acres, generally located on the southeast corner of Acacia Way and Thomas Road within the Verrado Master Planned Community, Planning Unit III. Request by Kurt Jones of Anderson Brody Buchalter Nemer on behalf of Fidelity National Title Company Tr B 176 and DMB White Tank LLC.

***5H. IGA Arizona Sports and Tourism Authority Stadium**

Councilman Rioux questioned who would be responsible for any workman’s compensation issues for Buckeye Police Officers while on duty at the Stadium. Chief Saban reported that the Stadium would be responsible for the officers. Moved by Councilman Rioux, seconded by Councilwoman May to approve

the Intergovernmental Agreement between the West Valley Police Coalition and the Town of Buckeye and the Cities of Avondale, Glendale, El Mirage, Goodyear, Peoria, Surprise, Tolleson, and the Towns of Wickenburg and Youngtown to provide necessary law enforcement and security to the Arizona Sports and Tourism Authority Stadium during events. The motion passed unanimously.

5I. Commercial Vehicle Scales

Councilwoman May questioned the amount of \$3,695 on the Loadometer Corporation quote. Chief Saban stated the cost is \$15,315.03 of which \$14,000 is reimbursed by Department of Public Safety. Moved by Councilman Rioux, seconded by Vice Mayor Beard to approve the request to purchase as a sole source provider from Loadometer Corporation commercial scales. The motion passed unanimously.

***5J. Intergovernmental Agreement – Department of Public Safety**

Councilman Rioux questioned who would pay the officers assigned to this IGA. Chief Saban stated that the Town would fund through the Homeland Security Position. Moved by Vice Mayor Beard, seconded by Councilman Rioux to approve the Intergovernmental Agreement (IGA) between the State of Arizona through the Department of Public Safety, (DIPS) and the Town to implement a Statewide Terrorism Liaison Officer Program. The motion passed unanimously.

***5Q. Appointment of Board and Commission Members**

Councilwoman May stated that Kevin Johnson has indicated that he cannot serve on the Development Board at this time and that Jackie Meck to be appointed to the board at this time. Moved by Councilwoman May, seconded by Councilman Rioux to approve the list as presented to Council with the change of Jackie Meck to the Development Board. The motion passed unanimously.

Moved by Councilwoman May, seconded by Vice Mayor Beard to approve on consent agenda items *3, *4, *5b, *5c, *5d, *5e, *5k, *5l, *5m, *5n, *5o, *5p and *5f. The motion passed unanimously.

***3.** Council approved minutes of the June 20, 2006 Workshop and Regular Council meeting and the June 29, 2006 Special Council Meeting.

***4.** Council approved invoices due by the Town for payment. Copies are available at Town Hall.

***5B. (MOD) Verrado for Phase 3 East VERRADO MOD06-03**

Council approved a Map of Dedication (MOD) Verrado for Phase 3 East, within the Verrado Master Planned Community, requested by Kurt Jones of Anderson Brody Buchalter Nemer on behalf of Fidelity National Title Company Tr B 176.

***5C. (MOD) Verrado, Park Street -VERRADO MOD06-04**

Council approved a Map of Dedication (MOD) Verrado, Park Street within the Verrado Master Planned Community, requested by Kurt Jones of Anderson Brody Buchalter Nemer on behalf of Fidelity National Title Company Tr B 176 .

***5D. (MOD) Verrado-Phase III East -VERRADO MOD06-08**

Council approved a Map of Dedication (MOD) Verrado-Phase III East, Indian School Road within the Verrado Master Planned Community, requested by Kurt Jones of Anderson Brody Buchalter Nemer on behalf of Fidelity National Title Company Tr B 176.

***5E. Dedication, Easement and Maintenance Verrado Phase 3 East Agreement**

Council approved the Dedication, Easement and Maintenance Verrado Phase 3 East Agreement in substantially the form as presented.

***5K. Intergovernmental Agreement between Maricopa County Human Services Department and the Town of Buckeye for Transportation Services FY 06-07**

Council approved the Intergovernmental Agreement between Maricopa County Human Services Department and the Town of Buckeye to provide assisted, door-to-door transportation services that is essential to the Town's low-income, elderly, and disabled individuals for Fiscal Year 2007 at a cost of \$27,000 for 125 trips per month.

***5L. Amendment #1 to the Intergovernmental Agreement between Maricopa County Human Services Department and the Town FY 06-07.**

Council approved Amendment #1 to the Intergovernmental Agreement between Maricopa County Human Services Department and the Town for FY 2006.

***5M. Amendment #2 to the Intergovernmental Agreement between Maricopa County Human Services Department and the Town-FY 06-07.**

Council approved Amendment #2 to the IGA between Maricopa County Human Services Department and the Town for FY 2006.

***5N. Cost Sharing Agreement Amendment- Consulting Services for the Hassayampa Basin Study**

Council approved the Amendment to the Cost Sharing Agreement for Consulting Services for the Hassayampa Basin Study.

***5O. Ordinance 64-06-Right-of-Way Annexation- ROOKS ROAD/BELOAT ROAD RIGHT-OF-WAY A05-16**

Council adopted Ordinance 64-06 increasing the corporate limits of the Town by annexing certain territory contiguous to the existing Town limits of the Town, existing Right-of-Way for Beloat Road from Rooks Road to approximately 600 feet west of Miller Road and for Rooks Road from Monroe Avenue to Beloat Road. Request by the Town Engineering staff.

***5P. Carroll Reynolds Signature Removal from Town Accounts**

Council approved the removal of the name of Carroll Reynolds' from the list of signers on all Town financial accounts.

6. TABLED ITEMS

6A. ORDINANCE 50-06 DISCOUNT STEEL A06-03

Moved by Councilwoman May, seconded by Councilman Rioux to adopt Ordinance 50-06 increasing the corporate limits of the Town of Buckeye, by annexing certain territory contiguous to the existing Town Limits in an area located at 1144 N. 191st Avenue, south of Interstate 10 and north of Roosevelt Street. The motion passed unanimously.

6B. FINAL PLAT BLUE HORIZONS PARCEL 13 FP05-53

Moved by Councilwoman May, seconded by Councilman Rioux to approve a Final Plat for Blue Horizons 13 for approximately 12.25 acres consisting of 62 single family lots generally located south of the Blue Horizons Parkway South within the north half of Section 8 in the Blue Horizons Community Master Plan subject to the attached stipulations. The motion passed unanimously.

6C. FINAL PLAT BLUE HORIZONS PARCEL 16 FP05-60

Moved by Councilwoman May, seconded by Councilman Rioux to approve the Final Plat for Blue Horizons Parcel 16 for approximately 18.4 acres consisting of 89 single family lots generally located east of Blue Horizons Parkway South within the west half of Section 8 in the Blue Horizons Community Master Plan subject to the attached stipulations. The motion passed unanimously.

6D. FINAL PLAT BLUE HORIZONS PARCEL 17 FP05-53

Moved by Councilwoman May, seconded by Councilman Rioux to approve the Final Plat for Blue Horizons Parcel 17 for approximately 15.54 acres consisting of 66 single family lots generally located north of Blue Horizons Parkway South near the center of Section 8 in the Blue Horizons Community Master Plan subject to the attached stipulations. The motion passed unanimously.

6E. FINAL PLAT BLUE HORIZONS PARCEL 19 FP05-86

Moved by Councilwoman May, seconded by Councilman Rioux to approve the Final Plat for Blue Horizons Parcel 19 for approximately 11.81 acres consisting of 32 single family lots generally located south of Blue Horizons Parkway South within the southwest quadrant of Section 8 in the Blue Horizons Community Master Plan subject to the attached stipulations. The motion passed unanimously.

6F. FINAL PLAT APACHE FARMS FP05-37

Councilman Doster suggested an additional stipulation be added to maintain the property in a weed free manner on all final plats including this final plat. Community Development staff agreed to include this stipulation in all final plats coming forward. Moved by Councilman Doster, seconded by Councilman Hardesty to approve the Final Plat for Apache Farms on approximately 64.41 acres consisting of 277 lots generally located to the northeast of Apache Road and Broadway Road with the added stipulation that the property be maintain in a weed free manner. The motion passed unanimously.

6G. ORDINANCE 26-06 FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

After some discussion, moved by Councilman Doster, seconded by Councilwoman May to adopt Ordinance 26-06 approving both a First Amendment to Development Agreement and the Community Master Plan for the development known as “Sun Valley Villages I & II, a Master Plan Community by WVSU Holdings, L.L.C., on approximately 5,770 acres of land and authorize execution of the First Amendment to Development Agreement with the deletion to the Community Master Plan line 1 Item 11. The motion passed unanimously.

6H. RESOLUTION 10-06 AREA PLAN STARDUST AP05-08

The applicant requested this item be tabled until the August 1, 2006 Council meeting. Moved by Councilman Rioux, seconded by Councilwoman May to table this item approving an Area Plan for approximately 362 acres, generally located southeast of Van Buren Street and Sun Valley Parkway; and southeast of Van Buren Street and Turner Road in the Tartesso Master Planned Community. until the August 1, 2006 Council meeting. The motion passed unanimously.

NEW BUSINESS

7A. TEXT AMENDMENT TO THE DEVELOPMENT CODE

Moved by Councilwoman May, seconded by Vice Mayor Beard to authorize the initiation of a text amendment to the Town of Buckeye Development Code modifying the approval process for Preliminary Plats. Councilman Rioux, Councilman Hardesty, and Councilman Doster voted “No”, Mayor Bryant, Vice Mayor Beard, and Councilwoman May voted “Aye”. The motion failed.

7B. PUBLIC HEARING ROOKS ROAD DEVELOPMENT AMENDMENT GPA05-08

Mayor Bryant opened the public hearing at 8:02 p.m. to hear citizen input for the proposed annexation of approximately 5 acres from Maricopa County to the Town, generally located south of Yuma Road alignment and east of 315th Avenue alignment. There being no public comment, the Mayor closed the public hearing at 8:02 p.m.

7C. ORDINANCE 56-06 TUTHILL FARMS RZ05-39

The Community Development Department recommended approval. Moved by Vice Mayor Beard, seconded by Doster to adopt Ordinance 56-06 amending the Zoning Map of the Town on approximately 91 acres generally located at the southeast corner of Tuthill Road and Dunlap Road from the Planned Community (PC) Zoning District to the Planned Residential (PR) Zoning District. The motion passed unanimously.

7D. ORDINANCE 57-06 TRIYAR RZ05-40

Vice Mayor Beard questioned if over sizing the sewer lines in the area and was informed that they were. Moved by Vice Mayor Beard, seconded by Councilwoman May to adopt Ordinance 57-06 amending the Zoning Map of the Town on approximately 21.47 acres generally located north of Southern Avenue and approximately 1200 feet east of Rooks Road from the Rural Residential (RR) Zoning District to the Planned Residential (PR) Zoning District. The motion passed unanimously.

7E. ORDINANCE 59-06 SVP ASSEMBLAGE A06-05

The Community Development Department recommended approval of this annexation request. Moved by Councilman Rioux, seconded by Councilwoman May to adopt Ordinance 59-06 increasing the corporate limits of the Town by annexing approximately 27.6 acres contiguous to the existing Town limits generally located along the west side of Sun Valley Parkway, between McDowell Road and Roosevelt Street. The motion passed unanimously.

7F. ORDINANCE 60-06 SVP ASSEMBLAGE A06-06

The Community Development Department recommended approval of this annexation request. Moved by Councilwoman May, seconded by Councilman Rioux to adopt Ordinance 60-06 increasing the corporate limits of the Town of Buckeye by annexing approximately 28.9 acres contiguous to the existing Town limits of the Town of Buckeye, generally located along the west side of Sun Valley Parkway, between Washington Street and Roosevelt Street. The motion passed unanimously.

7G. PUBLIC HEARING ROOKS ROAD GPA05-08

Mayor Bryant opened the public hearing at 8:10 p.m. to hear citizen input on the request by William Allison on behalf of Westminster Swanson Land Partners LLC to amend the General Development Plan on approximately 42 acres located at the northeast corner of Rooks Road and Hazen Road from Agriculture/Rural Residential to Single-Family Residential. There being no public comment the public hearing was closed at 8:11 p.m.

7H. RESOLUTION 30-06 ROOKS ROAD GPA05-08

Moved by Councilwoman May, seconded by Councilman Rioux to adopt Resolution 30-06 authorizing a General Plan Amendment to the Town of Buckeye's General Development Plan Planning Area Land Use Plan and amending the designation of approximately 42 acres generally located on the northeast corner of Rooks Road and Hazen Road from an Agriculture/Rural Residential designation to a Single-Family designation. Request by William Allison of Gallagher & Kennedy, P.A. on behalf of Westminster Swanson Land Partners LLC The motion passed unanimously.

7I. ORDINANCE 61-06 ROOKS ROAD DEVELOPMENT MINOR AMENDMENT RZ05-31

Moved by Councilwoman May, seconded by Councilwoman May, seconded by Councilman Hardesty to adopt Ordinance 61-06 amending the Zoning Map of the Town on approximately 42 acres generally located at the northeast corner of Rooks Road and Hazen Road from the Rural Residential (RR) Zoning District to the Planned Residential (PR) Zoning District. The motion passed unanimously.

7J. PUBLIC HEARING SIDNEY PARC GPA06-04

Mayor Bryant opened the public hearing at 8:12 p.m. to hear citizen input on the request by Paul Gilbert of Beus Gilbert PLLC on behalf of Gary Jones on Sun American Group on the proposed General Plan Amendment to the Town of Buckeye General Development Plan Planning Area Land Use Plan and amending the designation of approximately 66 acres generally located on the northwest corner of MC 85 and Airport Road from Employment Corridor designation to Single-Family and General Commercial designations. Councilman Doster questioned the Town is trying to protect its employment corridor. There being no further comments from the public, Mayor Bryant closed the public hearing at 8:15 p.m.

7K. RESOLUTION 32-06 SIDNEY PAC GPA06-04

Moved by Councilman Doster, seconded by Councilman Rioux to adopt Resolution 32-06 authorizing a General Plan Amendment to the Town of Buckeye General Development Plan Planning Area Land Use Plan and amending the designation of approximately 66 acres generally located on the northwest corner of MC 85 and Airport Road from an Employment Corridor designation to Single-Family and General Commercial designations. Mayor Bryant, Vice Mayor Beard, Councilman Doster, Councilwoman May, and Councilman Rioux voted "Aye", Councilman Hardesty voted "No". The motion passed.

7L. TYPE 2 WATER RIGHT SUBLEASE AGREEMENT CPA ELIANTO WEST

Moved by Councilman Rioux, seconded by Councilwoman May to approve (1) the Type 2 Water Right Sublease Agreement with respect to the Elianto Village 4 Project between CPH Elianto West, LLC, and the Town and (2) the Notification of Sublease to be submitted to the Arizona Department of Water Resources. The motion passed unanimously.

7M. TYPE 2 WATER SUBLEASE AGREEMENT LENNAR ELIANTO PROJECT

Moved by Councilman Rioux, seconded by Councilwoman May to approve (1) the Type 2 Water Right Sublease Agreement with respect to the Lennar Elianto Project and the Town and (2) the Notification of Sublease to be submitted to the Arizona Department of Water Resources The motion passed unanimously.

7N. PUBLIC HEARING GREAT CHINA RESTAURANT LIQUOR LICENSE

Mayor Bryant opened a Public Hearing at 8:25 p.m. to hear citizen input on the proposed Series 12 Liquor License requested by Carol Cheng for the Great China Restaurant located at 1300 S. Watson Road, Suite 109, Buckeye, AZ. There being no comment from the public, Mayor Bryant closed the public hearing at 8:25 p.m.

7O. GREAT CHINA RESTAURANT LIQUOR LICENSE

The applicant was not in the audience to answer questions. Moved by Councilman Rioux, seconded Hardesty to table the consideration of a Series 12 Liquor License requested by Carol Cheng for the Great China Restaurant located at 1300 S. Watson Road, Suite 109, Buckeye, AZ. Motion failed for lack of second. Moved by Vice Mayor Beard, seconded by Mayor Bryant to approve the Series 12 Liquor License request. The motion failed. Mayor Bryant, Vice Mayor Beard, and Councilman Doster voting "Aye", Councilman Hardesty, Councilwoman May, and Councilman Rioux voting "No".

7P. ORDINANCE 63-06 BENTRIDGE ESTATES RZ06-01

Moved by Vice Mayor Beard, seconded by Councilwoman May to adopt Ordinance 63-06 amending the Zoning Map of the Town on approximately 63.5 acres generally located at the southeast corner of Lower Buckeye Road and Watson Road (south of the power line easement) from the Rural Residential (RR) Zoning District to the Planned Residential (PR) Zoning District. The motion passed, Councilman Doster abstained.

7Q. AREA AGENCY ON AGING CONTRACT

Moved by Councilwoman May, seconded by Councilman Rioux to approve Contract #2007-10-BKY for Fiscal Year 2007 between the Area Agency on Aging and the Town in the amount of \$115,418 to assist in providing meals for seniors. The motion passed unanimously.

7R. RESOLUTION 33-06 ARIZONA HERITAGE FUND

Moved by Councilwoman May, seconded by Councilman Rioux to adopt Resolution 33-06 urging the Legislature to maintain the original funding levels and usage of the Arizona Heritage Fund, including dedicated funding from the State Lottery monies. The motion passed unanimously.

7S. RESOLUTION 34-06 POSTING LEGAL ACTIONS

Moved by Councilwoman May, seconded by Councilman Rioux to adopt Resolution 34-06 urging the Legislature to exclude boards, commissions and committees from the requirements to post legal actions to websites within three days of action. The motion passed unanimously.

8. Town Manager's Report

*Interim Town Manager reported that the Town is moving forward and conducting business in the usual manner.

*The water line project down Monroe Ave. will begin on Thursday.

9. Comments from the Mayor and Council

*Councilman Hardesty thanked staff for their cooperation in getting packets together in a timely manner.

*Councilman Rioux would like to a policy on moving expenses.

*Mayor Bryant reported he will be attending a meeting at Westmarc on the 55th Ave. alignment and will be attending the MAG TCP meeting next week.

10. Adjournment

There being no further business to come before the Council, moved by Councilman Rioux, seconded by Councilwoman May to adjourn 8:35 p.m. The motion passed unanimously.

Bobby Bryant, Mayor

ATTEST:

Linda Garrison, Town Clerk

I hereby certify that the foregoing is a true and correct copy of the Regular Meeting held on the 18th day of July, 2006. I further certify that a quorum was present.

Linda Garrison, Town Clerk